REMARKS

Applicant responded to the latest Office Action by Amendment and Response dated May 5, 2009. Subsequently, Applicant's representative conducted an in-person interview with Examiner Boveja on May 20, 2009. Applicant's representative wishes to express his appreciation for the Examiner's courtesy in granting the interview. Applicant is hereby presenting further amended claims in light of the discussion with Examiner Boveja during which apparent agreement was reached regarding support for the claims and their distinction over the prior art, and in light of the Examiner's comments included in the Interview Summary dated May 26, 2009.

The status of the claims is as follows. Claims 8-23 and 25 are pending in the application and rejected. Claims 1-7 and 24 are withdrawn. Claims 8, 9 and 11 were rejected under 35 U.S.C. § 112, first paragraph, and Claims 8 and 25 were rejected under 35 U.S.C. § 112, second paragraph. Claims 8-10 and 13-23 were rejected under 35 U.S.C. § 102(b), and Claims 11 and 25 were rejected under 35 U.S.C. § 103(a). Claims 8, 11, 13 and 15 are currently amended. Applicant respectfully traverses the foregoing rejections.

Applicant's Statement Of The Substance Of The May 20, 2009 Interview

Applicant's representative presented oral remarks to Examiner Boveja in connection with both the Section 112, and the Sections 102 and 103 rejections of the claims which were consistent with Applicant's remarks in the May 5, 2009 amendment and response. Applicant concurs with the Examiner's explanation of the substance of the interview dated May 26, 2009. The remarks presented during the May 20th interview

are further summarized by and encapsulated in the following response to the rejections of the claims.

The Section 112 Rejections Should Be Withdrawn

Claim 8 is rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the claim limitation "receiving a second request" is not supported by the specification and thus constitutes new matter. Applicant respectfully disagrees, but has amended this limitation pursuant to the discussion at the May 20th interview to leave no doubt about the existence of support for this limitation.

Applicant incorporates by reference the response to this rejection provided in the amendment and response dated May 5, 2009. Applicant responds further by noting that the claimed first request was explained at the May 20th interview to be an image request and the claimed second request was explained to be a request for a website page. Accordingly, Claim 8 has been amended to recite a "an image request" instead of "a first request", and to recite a "request for a website page from the computer" instead of a "second request from the computer." It is believed that this Section 112 rejection is now obviated, and/or overcome. Support for these amendments is found, *inter alia*, at paragraph 30 of the specification, which provides (with emphasis added in bold):

> [A]n audience member browser 300 initiates the process in step 340 by requesting a website page from a site within the network, www.domain1.com 310. Responsive to the website page request directed to www.domain1.com 310, a page is returned to the browser 300 with an image tag which may reference the targeting engine 152 at te.domain1.com in step 342. **In step 344, an image request is sent from the browser 300 to the targeting engine 152.** If a unique identifier is not included in the request, in step 346 a redirect is sent to the browser 300 to the targeting engine 152 now referenced as te.primarydomain.com. The redirect includes a reference to the original targeting engine reference in step 344, te.domain1.com. For example, the redirect may be http://te.primarydomain.com/blank.gif?te.domain1.com. In step 348, the browser 300 may send this redirect request to te.primarydomain.com. Responsive to this request, in step 350 a primarydomain.com cookie

> containing a unique identifier for the audience member is assigned to the browser 300. In step 352, a second redirect is made of the browser 300 to te.domain1.com, that may include the same unique identifier as set in the primary domain cookie. For example, the redirect may be http://te.domain1.com/blank.gif?tid=7dha6wlk9927sha. In step 354, the redirect request is returned with the originally requested image and a domain1.com cookie with the same unique identifier as the primarydomain.com cookie.

The image request of step 344 is the claimed image request. With regard to the claimed "request for a website page" support may be found, *inter alia*, at paragraph 36 of the subject application, which provides (with emphasis added in bold):

> A method of delivering targeted content to an audience member based on the segment affinity data is illustrated in Fig. 6. **With reference to Fig. 6, an audience member requests a website page in the network of related websites in step 230.** The Targeting Engine is notified of the website page request in step 232. Responsive to the audience members request for a website page, in step 234 the Targeting Engine determines whether or not a domain cookie, associated with the requested website page, includes a unique identifier for the audience member. If a unique identifier is not identified, the Targeting Engine will provide a website domain cookie with a unique identifier as described above in connection with Fig. 4. Once a website domain cookie is provided with a unique identifier, in step 236 the Targeting Engine may determine whether or not a segment-targeting cookie is already associated with the audience member in the data warehouse. The segment-targeting cookie may include a segment identifier that indicates the segment(s) to which the audience member belongs. If segment affinity data is stored in the data warehouse for the audience member, then a segment-targeting cookie is created and stored in the audience member computer with the appropriate segment identifier in step 238. **In step 240, content may be delivered to the audience member based on the segment identifier in the segment-targeting cookie stored in the audience member computer.**

The request of step 230 is the claimed request for a website page. In view of the foregoing explanation and amendments, which are fully supported by the specification, the Section 112, first paragraph rejection of Claim 8 should be withdrawn.

Claim 8 has also been amended to add the step of "storing profile data for the audience member in a database." This additional step provides context for and acts as a predicate for the step of "accessing profile data."

Claim 9 is rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the claim limitation "in response to transmission of a second website page" is not supported by the specification and thus constitutes new matter. Applicant hereby incorporates by reference the response to this rejection provided in the amendment and response dated May 5, 2009. Applicant believes the rejection of Claim 9 under Section 112, first paragraph is overcome as a result of the prior amendment and remarks.

Claim 11 is rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the claim limitation "modifying the domain cookie transmitted to the computer. . .to contain the unique identifier for the audience member" is not supported by the specification. Applicant hereby incorporates by reference the response to this rejection provided in the amendment and response dated May 5, 2009. Applicant believes the rejection of Claim 11 under Section 112, first paragraph is overcome as a result of the prior amendment and remarks.

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph for three reasons. Applicant hereby incorporates by reference the response to this rejection provided in the amendment and response dated May 5, 2009. Applicant believes the rejection of Claim 8 under Section 112, second paragraph is overcome as a result of the prior amendment and remarks.

Claim 25 is rejected under 35 U.S.C. § 112, second paragraph because it is unclear if the "content" referenced in Claim 25 is the same content referenced in Claim 8. Applicant previously amended Claim 25 as suggested by the Examiner to distinguish

the two recitations of "content" by expressly identifying the content in Claim 25 as "additional" content. Reconsideration and withdrawal of the rejection of Claim 25 on Section 112 grounds is requested in light of this amendment.

The Section 102 and 103 Rejections Should Be Withdrawn

Applicant respectfully incorporates by reference the remarks presented in the May 5, 2009 amendment and response regarding the Section 102 and 103 rejections. The presently presented amendments to the claims do not alter the basis for Applicant's remarks. In order to assist the Examiner, Applicant repeats the remarks presented in the May 5th amendment and response, as well as during the May 20th interview, which establish the patentability of all pending claims.

Claims 8-10 and 13-23 are rejected under 35 U.S.C. § 102 as being anticipated by Merriman et al., U.S. Patent No. 5,948,061 (hereinafter "Merriman"). Claims 11 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of do Rosario Botelho et al., U.S. Patent Pub. No. 2002/0069105 (hereinafter "do Rosario Botelho") or in view of Official Notice. Claims 8 and 19 are independent claims, and Claims 9-18, 20-23 and 25 depend directly or through intervening claims from one or the other of the two independent claims.

Claim 8 recites, *inter alia*, the steps of (i) "associating the audience member with a segment of audience members based on the profile data," (ii) "transmitting a segment-targeting cookie, which includes a segment identifier for the segment of audience members, to the computer associated with the audience member," and (iii) "delivering content to the audience member based on the segment identifier." Similarly, Claim 19 recites, *inter alia*, the steps of (i) "associating the audience member with a segment of

audience members based on the profile data," (ii) "identifying the segment of audience members with a segment identifier included in a segment-targeting cookie," (iii) "transmitting the segment-targeting cookie to a computer associated with the audience member," and (iv) "delivering content to the audience member based on the segment identifier." Further, Claims 8 and 19 were previously amended to make it clear that the segment-targeting cookie is different from the domain cookie, and that the segment identifier is separate from the unique identifier. None of these limitations is disclosed in Merriman.

The latest Office Action asserts that Merriman discloses the step of associating the audience member with a segment of audience members based on the profile data at column 5, lines 50-63 and column 6, lines 6-11. Perusal of Merriman confirms, however, that neither of these portions of Merriman, nor any other portion, discloses the step of associating an audience member with a segment of audience members. Instead, the referenced portions of Merriman actually disclose that an ad server may obtain a variety of information about one particular user, and that this information may be stored in a database to be used to select an advertisement to be sent to the user. In Merriman, the user is not associated with a segment of other users. The method described in Merriman for targeting advertisements to a user does so on an individual user-by-user basis, not for a group or segment of users.

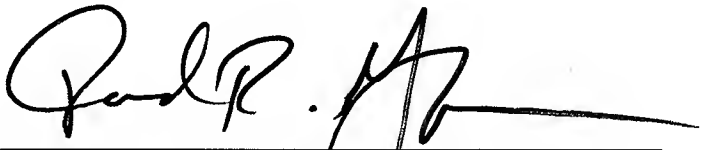
As a result of failing to disclose the step of associating an audience member with a segment of other audience members, Merriman also necessarily fails to disclose the steps of identifying a segment of audience members or users with a "segment identifier" in a "segment-targeting cookie," and/or transmitting the "segment-targeting cookie" to the user's computer because the later two steps require the step of associating an

audience member with a segment of audience members as a predicate. Merriman also fails to disclose the step of delivering content to the audience member based on a segment identifier in a segment-targeting cookie. In fact, the portions of Merriman relied upon disclose the use of only one type of cookie with an identifier, and that identifier identifies an individual browser. Conversely, Claims 8 and 19 require two separate identifiers, a unique identifier to access profile information for an audience member and a segment identifier to associate an audience member with a segment of audience members and cause advertisements selected for the segment of audience members to be sent to each of them. In view of the foregoing distinctions between Claims 8 and 19 and Merriman, Applicant respectfully requests that the rejections of Claims 8-23 and 25 be withdrawn.

Applicant also wishes to point out that various of the dependent Claims 9-18, 20-23 and 25 are patentable for reasons independent of those set forth above. For example, Merriman fails to disclose the steps of determining the absence of a cookie with a unique identifier for the audience member and setting a unique identifier in a second domain cookie as a result, which are recited in Claims 9-10. Similarly, Merriman does not disclose the step of modifying a domain cookie as recited in Claim 11. Merriman also fails to disclose the step of defining a segment of audience members by rules that recognize any common affinity between two or more audience members recited in Claim 15. Merriman further fails to disclose the steps of comparing the profile data of a plurality of audience members and forming a segment of audience members based on the comparison which are recited in Claims 17 and 21. Accordingly, the rejection of all pending claims, including but not limited to the foregoing specified dependent claims, should be withdrawn.

Should the Office believe anything further is required to place the application in condition for allowance the Examiner is invited to contact Applicant's representative at the telephone number listed below. No fee is believed to be required for consideration of the present amendment and response. The Director is hereby authorized to charge any fee due and any deficiency or credit any overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Director is hereby invited to contact the undersigned to arrange payment.

Respectfully submitted,



Date: June 9, 2009

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